

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:14CR32-4
(Judge Keeley)

CHRISTOPHER MICHAEL WALLS,

Defendant.

ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S
OPINION/REPORT AND RECOMMENDATION CONCERNING
PLEA OF GUILTY PLEA IN FELONY CASE

On July 9, 2014, defendant, Christopher Michael Walls ("Walls"), appeared before United States Magistrate Judge John S. Kaull and moved this Court for permission to enter a plea of GUILTY to Count Five of the Second Superseding Indictment. Walls stated that he understood that the magistrate judge is not a United States District Judge, and consented to entering a guilty plea before the magistrate judge. This Court had referred the guilty plea to the magistrate judge for the purposes of administering the allocution pursuant to Federal Rule of Criminal Procedure 11, making a finding as to whether the plea was knowingly and voluntarily entered, and recommending to this Court whether the plea should be accepted.

Based upon Walls' statements during the plea hearing and agreement of the parties to accept the proffer of the government as an independent basis in fact for the plea, the Magistrate Judge found that Walls was competent to enter a plea, that the plea was

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freely and voluntarily given, that he was aware of the nature of the charges against him and the consequences of his plea, and that a factual basis existed for the tendered plea. On July 22, 2014, Magistrate Judge Kaul entered an Opinion/Report and Recommendation Concerning Plea of Guilty in Felony Case ("R&R") (dkt. no. 187) finding a factual basis for the plea and recommending that, upon receipt and review of the R&R, this Court accept Walls' plea of guilty to Count Five of the Second Superseding Indictment.

The magistrate judge also directed the parties to file any written objections to the R&R within fourteen (14) days after service of the R&R. The magistrate judge further directed that failure to file objections would result in a waiver of the right to appeal from a judgment of this Court based on the R&R.

The parties did not file any objections. Accordingly, this Court **AFFIRMS** and **ACCEPTS** Walls' plea of guilty to Count Five of the Second Superseding Indictment and **ADJUDGES** him GUILTY of the crime charged in Count Five of the Second Superseding Indictment.

Pursuant to Fed. R. Crim. P. 11(c)(3) and U.S.S.G. § 6B1.1(c), acceptance of the proposed plea agreement and stipulated addendum to the plea agreement, is **DEFERRED** until the Court has received and reviewed the presentence report prepared in this matter.

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Pursuant to U.S.S.G. § 6A1 et seq., it is hereby **ORDERED** that:

1. The Probation Officer undertake a presentence investigation of **CHRISTOPHER MICHAEL WALLS** and prepare a presentence report for the Court;

2. The Government and Walls provide their versions of the offense to the probation officer by **August 11, 2014**;

3. The presentence report be disclosed to Walls, defense counsel, and the United States on or before **November 28, 2014**; however, the Probation Officer is not to disclose the sentencing recommendations made pursuant to Fed. R. Crim. P. 32(e)(3);

4. Counsel file written objections to the presentence report on or before **December 11, 2014**;

5. The Office of Probation submit the presentence report with addendum to the Court on or before **December 29, 2014**; and

6. Counsel file any written sentencing statements and motions for departure from the Sentencing Guidelines, including the factual basis for the statements or motions, on or before **January 12, 2015**.

The magistrate judge remanded Walls to the custody of the United States Marshals.

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The Court will conduct the sentencing hearing on **Monday, January 26, 2015 at 10:30 A.M.**

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record and all appropriate agencies.

DATED: July 28, 2014

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE